

STANDING ORDER 1-09
IMPOUNDMENT OF PERSONAL MEDICAL INFORMATION

IT IS HEREBY ORDERED THAT:

1. Whenever a Medical Certificate or Clinical Team Report is required to be filed under Article V of G. L. c. 190B, it must be in the possession of the Court or accompany the petition or motion. The Medical Certificate must be dated and an examination must have taken place within 30 days of the filing of the petition or motion or, in the case of a person alleged to be mentally retarded, the Clinical Team Report must be dated and an examination must have taken place within 180 days of the filing of the petition or motion.
2. The Court may waive or postpone the requirement of filing of a Medical Certificate or Clinical Team Report upon the filing of a statement that it is **impossible** to obtain a Medical Certificate or Clinical Team Report. Such a statement of impossibility shall be supported by an affidavit or affidavits meeting the requirements set forth in Massachusetts Rules of Civil Procedure 4.1(h).
3. All Medical Certificates, Clinical Team Reports, treatment plans and medical affidavits shall be impounded and kept separate from other papers in the case and shall not be available for public inspection. These documents shall be available for inspection to authorized Court personnel, the Respondent, the attorneys who have filed an appearance in the case, all persons named in the petition who make a written request, and any Guardian *ad litem* appointed in the case. They may not be copied without further order of the Court, but Registry staff may scan them into an impounded computer file.
4. Authorized Court personnel, parties, attorneys, and Guardians *ad litem* with access to a Medical Certificate, Clinical Team Report, treatment plan or medical affidavit are prohibited from using or disclosing the information on the form for any purpose other than the Guardianship or Conservatorship case for which it was filed.

Effective July 1, 2009